

AO 91 (Rev. 11/11) Criminal Complaint

FILED
At Albuquerque, NMDEC 30 2015 *wd*MATTHEW J. DYKMAN
CLERK

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

David G. Martin)

DOB: 12/1986)

Case No. *15-MJ-4533*_____
*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 30, 2015 in the county of Bernalillo in the District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 USC 1708

theft or receipt of stolen mail matter generally

This criminal complaint is based on these facts:

See the attached affidavit

☒ Continued on the attached sheet.*B. Specht**Complainant's signature*

B. Specht US Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: December 30, 2015*Karen B. Molzen**Judge's signature*City and state: Albuquerque, NM

US Chief Magistrate Judge Karen B. Molzen

Printed name and title

AFFIDAVIT

UNITED STATES DISTRICT COURT)
)
DISTRICT OF NEW MEXICO) SS

I, Brad Specht, having been duly sworn, hereby depose and state as follows:

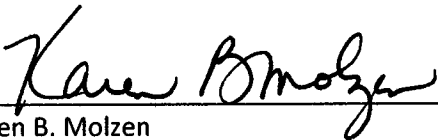
1. I am a duly authorized Postal Inspector with the United States Postal Inspection Service and have been so employed since February 2012. I am currently assigned to the US Postal Inspection Service, Phoenix Division, Albuquerque, New Mexico Domicile.
2. This affidavit is made in support of a complaint against David Martin, in connection with an investigation into violations of the following federal criminal statute: Title 18, United States Code, Section 1708, theft or receipt of stolen mail matter generally. This affidavit does not contain all information known me; rather, it contains information necessary to establish probable cause for the violations charged.
3. On December 30, 2015, I was contacted by Albuquerque Police Department (APD) Officer K. Morant who asked me to respond to Washington Federal Savings and Loan located at 3761 NM 528 Albuquerque, NM 87114 reference an individual they had in custody who was found to be in possession of mail matter and a U.S.P.S. Neighborhood Delivery Collection Box Unit (NDCBU). An NDCBU is a bank of small locked compartments, usually containing anywhere from 8-16 compartments, where individual residences obtain their mail. Each compartment is assigned a unique key for that specific compartment and the U.S.P.S. Letter Carrier has a unique key allowing access to the entire box. When I arrived I spoke with APD Officer S. Solis. Officer Solis stated employees of Washington Federal Savings and Loan contacted APD reference a dark blue Ford F-250 pickup truck parked in their drive-thru exit with a male asleep inside. When Ofc. Solis arrived he found a male, later identified as David G. Martin, asleep in the cab of the pickup truck. The license plate on the truck was for a trailer that had been reported stolen and the driver's side door lock and been removed from the vehicle. Upon making contact with Martin Ofc. Solis observed a large quantity of mail inside the cab of the truck. Ofc. Solis ran the vehicle's VIN (Last 4 digits 5225) and found that the truck had been reported as stolen. Ofc. Solis also observed the bed of the pickup truck had a cover that was ajar and a U.S.P.S. NDCBU could be seen inside the bed of the pickup truck. Martin was arrested and charged with possession of a stolen vehicle.
4. Martin was taken to the APD substation located at 10401 Cibola Loop NW Albuquerque, NM 87114, where during processing Ofc. R.G. Rodriguez found the following items in the left rear pocket of Martin's pants:
 - a. Open letter from New Mexico Consumer Direct Personal Care LLC 6100 Uptown Blvd NE Ste 110 Albuquerque, NM 87110 addressed to Gayle Ware 8509 Rancho Del Oro Albuquerque, NM 87113. The letter bore a postage meter dated December 22, 2015.
 - b. A letter from Department of Veterans Affairs Albuquerque VA Medical Center 1501 San Pedro Dr. SE Albuquerque, NM 87108 addressed to G. Rodriguez Douglas MacArthur Rd NE Albuquerque, NM 87110.
 - c. A letter from Nusenda Credit Union P.O. Box 8530 Albuquerque, NM 87198 addressed to F. Fierro Tulane Dr. NE Albuquerque, NM 87107.
 - d. A check made payable to B. Mulligan Rancho Del Oro PI NE Albuquerque, NM 87113 from Stone Age Real Estate LLC 4130 Cutler Ave NE Albuquerque, NM 87110, in the amount of \$6,750.00 check number 221 dated December 22, 2015.

5. On December 30, 2015, Inspector S. Herman called and spoke with B. Pletta, Managing Partner of Stone Age Real Estate, LLC who confirmed that he mailed check number 221 on or about December 22, 2015 in the amount of \$6,750.00 to B. Mulligan however he was contacted by Mr. Mulligan and informed that he never received the check. Inspector Herman also spoke with Brian Mulligan and he confirmed that the U.S.P.S. NDCBU that services his address was broken into and mail was stolen. Mr. Mulligan further stated he did not give anyone permission to possess his mail.
6. The following item was found inside the center console of the above described truck:
 - a. A statement from the U.S. Social Security Administration addressed to G. Ware Rancho Del Oro PI NE Albuquerque, NM 87113.
7. The following items were found inside a storage pocket of the driver's door of the above described truck:
 - a. A letter from HealthScope Benefits addressed to S. Mulligan Rancho Del Oro PI NE Albuquerque, NM 87113.
 - b. A letter from Molina Healthcare 26889 Northwestern Hwy Ste. 250 Southfield, MI 48033 addressed to David G Martin 9515 D 4th St NW Albuquerque, NM 87114.
 - c. A letter from Molina Healthcare 26889 Northwestern Hwy Ste. 250 Southfield, MI 48033 addressed to David G Martin 9515 D 4th St NW Albuquerque, NM 87114.
 - d. A Notice of Preliminary Examination from the Sandoval County Magistrate Court naming David G. Martin as the defendant.
8. The owner of the above described truck gave permission for a search to be completed. Upon a search of the vehicle several hundred pieces of U.S. Mail and their contents were found inside along with U.S.P.S. keys, credit cards and identification documents belong to individuals other than David Martin.
9. On December 30, 2015, Inspector Herman and I interviewed Mr. Martin at the APD substation located at 10401 Cibola Loop NW Albuquerque, NM 87114. Mr. Martin was advised of his Miranda Rights and agreed to speak with us. He stated His friend "Adam" got into a fight with a female and asked Mr. Martin to drive the truck listed above away from the location where the fight took place and that the mail was already in the truck when he fell asleep in the drive-thru of the Washington Federal Savings and Loan. He stated the keys were in the ignition when he went to sleep and that they were missing when the police woke him up. At that time Mr. Martin asked to speak with an attorney and the interview ended.
10. Based on the information provided in this affidavit, I believe there is probable cause to believe that David Martin, committed a violation of Title 18, United States Code, Section 1708, theft or receipt of stolen mail matter generally.



Brad Specht, Postal Inspector

Subscribed and sworn to before me on this the 30th day of December 2015.



Karen B. Molzen
United States Chief Magistrate Judge